

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 1. General Provisions**

#### **§1900. Location of Offices**

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8530, Business and Professions Code.

HISTORY:

1. Amendment filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1901. Tenses, Gender, and Numbers.**

HISTORY:

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1902. Definitions.**

For the purpose of these rules and regulations, "board" means the State Structural Pest Control Board, and "code" means the Business and Professions Code.

NOTE: Authority cited: Sections 8520 and 8525, Business and Professions Code. Reference: Section 8525, Business and Professions Code.

HISTORY:

1. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1903. Delegation of Certain Functions.**

The board delegates to the registrar and executive secretary or in his or her absence from the office of the board, the acting registrar and executive secretary the power and discretion conferred by law upon the board to determine compliance by a licensee or registered company with the provisions of Chapter 14 of Division 3 of the code and rules and regulations adopted thereunder as follows:

- (a) to send notices of non-compliance pursuant to Section 8622 of the code;
- (b) to receive and file accusations;
- (c) to issue notices of hearings, statement to respondent, and statements of issues;
- (d) to receive and file notices of defense;
- (e) to determine the time and place of hearing under Section 11508 of the Government Code;
- (f) to issue subpoenas and subpoenas duces tecum;
- (g) to set and calendar cases for hearings and perform other functions necessary to the efficient dispatch of the business of the board in connection with proceedings under the provisions of Sections 11510 through 11528 of the Government Code, prior to the hearing of such proceedings; and
- (h) to certify and deliver or mail copies of decisions under Section 11518 of the Government Code.

NOTE: Authority cited: Sections 8520 and 8525, Business and Professions Code. Reference: Sections 8525 and 8622, Business and Professions Code; and Sections 11508 and 11510-11528, Government Code.

HISTORY:

1. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

3. Amendment of first paragraph only filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 3).

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 2. Administration**

#### **§1910. Robert's Rules of Order.**

**HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1910.1. Emergency Conditions for Meetings and Additions to Meeting Agendas.**

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference cited: Section 11125(a), Government Code.

**HISTORY:**

1. New section filed 11-19-79; effective thirtieth day thereafter (Register 79, No. 47).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1911. Addresses; Change of Address/Employment.**

Each operator, field representative and applicator shall file his or her address of record with the board and shall notify the board of any change in address within ten (10) days of such change. The address of record of a field representative, an operator or an applicator shall be the address of the registered company by which he or she is employed or with which he or she is associated or his or her residence address if he or she is not employed and associated.

Each licensee shall also file his or her address for mailing purposes with the board and shall notify the board of any change in address within ten (10) days of such change.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 136, 8567, 8613 and 8650, Business and Professions Code.

**HISTORY**

1. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 87, No. 13).
3. Amendment filed 5-19-92; operative 6-18-92 (Register 92, No. 21).
4. Amendment of section and Note filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
5. Amendment of section and Note filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

#### **§1912. Branch Offices Registration.**

A registered company who opens a branch office shall notify the board of that fact within 30 days on a written form provided by the board (see form No. 43L-15 at the end of this section) accompanied by the required registration fee.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8509 and 8612, Business and Professions Code.

**HISTORY:**

1. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
2. Repealer of subsection (b) filed 1-30-85; effective thirtieth day thereafter (Register 85, No. 5).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 87, No. 13).

### **§1913. Different Name Style--Same Entity.**

A branch office may not be registered in a name style different from that shown on the certificate of the registered company. A registered company which wishes to conduct an additional business in a name style different from that which is shown on its company registration certificate shall obtain a separate company registration certificate for each such business.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8612, Business and Professions Code.

#### **HISTORY:**

1. New NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 87, No. 13).
3. Amendment filed 5-13-92; operative 6-12-92 (Register 92, No. 20).

### **§1914. Name Style--Company Registration.**

No company registration certificate shall be issued in a fictitious name which the board determines to be confusingly similar to the name of another registered company, or which is likely to be confused with that of a governmental agency or trade association. No company registration shall be issued in the same name or in a name style which the board determines is confusingly similar to the name of a firm whose company registration has been suspended or revoked unless a period of at least one year has elapsed from the effective date of the suspension or revocation.

It shall be grounds for disciplinary action for a registered company to use the telephone number and/or name style of a firm whose company registration has been suspended or revoked, without the prior written approval of the board.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8525 and 8650, Business and Professions Code.

#### **HISTORY:**

1. Amendment filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 87, No. 13).

### **§1914.1. Limitation Regarding Name Style.**

#### **HISTORY:**

1. New section filed 10-29-70; designated effective 11-30-70 (Register 70, No. 44).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1915. Change of Employment--Operator--Field Representative.**

#### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1916. Time Allowed--Replacing Qualifying Manager.**

A registered company which notifies the board of the disassociation of its qualifying manager or branch supervisor within the ten day period prescribed by Section 8571 of the code, shall be granted a period of thirty (30) days in which to replace such person with another qualifying manager or branch supervisor. An additional thirty (30) day extension can be granted by the registrar for good cause.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8571, Business and Professions Code.

#### HISTORY

1. Amendment filed 1-2-68; effective thirtieth day thereafter (Register 68, No. 1).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 87, No. 13).

### **§1917. Change of Name.**

When a structural pest control licensee or registered company changes his or her or its name, he or she or it shall file with the registrar an application for change of name on a form prescribed by the board (See form No. 43L-8 at the end of this section) accompanied by the required fee and by a declaration certified under penalty of perjury, stating:

- (a) The former name,
- (b) The type and number of the pest control license or company registration, and
- (c) That the change of name was not for the purpose of defrauding creditors or any other person or persons or for circumventing the provisions of the Business and Professions Code of California or any other law of the United States, State of California or any political subdivision thereof.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8674 and 8650, Business and Professions Code.

#### HISTORY:

1. New section filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

### **§1918. Supervision of Registered Companies and Branch Offices.**

“Supervise” as used in Sections 8506.2, 8610 and 8611 of the code means actual on-site supervision.

In cases of ownership of more than one registered company by the same sole owner, corporation or partnership where the qualifying manager or managers cannot provide actual on-site supervision to each registered company because of the location of the companies, the registered company may designate an individual or individuals licensed as an operator or as a field representative in the branch or branches of business being conducted to provide actual on-site supervision. This designated supervision must be under the direct supervision of the qualifying manager or managers. This designation of supervision does not relieve the qualifying manager or managers of his or her responsibilities to supervise as required in sections 8506.2 and 8610.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8506.2, 8610 and 8611, Business and Professions Code.

#### HISTORY:

1. New section filed 6-15-89; operative 7-15-89 (Register 89, No. 25).
2. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

### **§1919. Research Advisory Panel.**

The research advisory panel shall consist of one member from the Structural Pest Control Board, two representatives from the structural pest control industry, one representative from the Department of Pesticide Regulation and one representative from the University of California.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8674, Business and Professions Code.

HISTORY:

1. New section filed 12-26-90; operative 1-25-91 (Register 91, No. 6).
2. Amendment filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

**§1920.**

(a) Authority to Issue Citations and Fines:

(1) The Registrar or Deputy Registrar of the Board is authorized to issue citations which may contain an order of abatement or an administrative fine ("fine") for violations of the statutes contained in the Structural Pest Control Act (commencing with Business and Professions Code Section 8500) or the regulations adopted by the Board.

(2) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute(s) or regulation(s) alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(b) Citation; Assessment of Fine:

Citations may be issued without the assessment of a fine. The amount of any fine to be levied by the Registrar or Deputy Registrar shall be no more than \$2500.

In determining whether a citation shall contain an order of abatement or a fine and if a fine is to be imposed, the Registrar or Deputy Registrar shall consider the following factors:

- (1) Gravity of the violation.
- (2) History of previous violations of the same or similar nature.
- (3) The good or bad faith exhibited by the cited person.
- (4) Evidence that the violation was willful.
- (5) The extent to which the cited person cooperated with the Board's investigation.
- (6) The extent to which the cited person has mitigated or attempted to mitigate any damage caused by his or her violation.
- (7) Such other factors as the Registrar or Deputy Registrar considers relevant.

(c) Citations for Unlicensed Practice:

The Registrar or Deputy Registrar of the Board is authorized to issue citations which may contain order of abatement or a fine against persons who are performing or who have performed services for which a structural pest control license is required under the Structural Pest Control Act. The citation issued under this section shall be separate from and in addition to any other civil or criminal remedies.

(d) Compliance with Orders of Abatement:

When a citation is not contested or if the citation is appealed and the person cited does not prevail, failure to comply with the order of abatement or to pay the fine in the citation within the time allowed by a licensee may result in disciplinary action being taken by the Board against the person cited, or where the cited person is unlicensed in appropriate judicial relief being taken against the person cited.

(e) Contest of Citations:

(1) In addition to requesting a hearing provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the Registrar or Deputy Registrar, as designated, in writing of his or her request for an informal conference with the designated Registrar or Deputy Registrar. The informal conference shall include at least one, but no more than two, industry members of the Board, as designated by the Registrar.

(2) The informal conference shall be held within 60 days from the receipt of the request of the person cited. At the conclusion of the informal conference, the Registrar or Deputy Registrar may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The decision shall state in writing the reasons for the action and shall be served or mailed to the person within ten (10) days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(3) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the Registrar or Deputy Registrar. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9 f the code.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

**§1922. Civil Penalty Actions by Commissioners.**

(a) When taking civil penalty action pursuant to section 8617 of the Business and Professions Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the fine amount.

(1) For purposes of this section, violation classes shall be designated as “serious,” “moderate,” and “minor.”

(A) “Serious”: Violations that are repeat violations of those in subparagraph (B) or violations which created an actual health or environmental hazard. The fine range for serious violations is \$401-\$1,000.

(B) “Moderate”: Violations that are repeat violations of those in subparagraph (C) or violations which pose a reasonable possibility of creating a health or environmental effect. The fine range for moderate violations is \$151-\$400.

(C) “Minor”: Violations that did not create an actual health or environmental effect or did not pose a reasonable possibility of creating a health or environmental effect. The fine range for minor violations is \$50-\$150.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8617, Business and Professions Code.

HISTORY:

1. New section filed 5-14-98; operative 6-13-98 (Register 98, No. 20).

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 3. Licensing**

#### **§1934. Board-Approved Operator's License Course.**

Board-approved or Board-developed courses required by section 8565.5 of the Business and Professions Code must have been successfully completed within three years prior to the applicant taking the operator's licensing examination.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8565.5, Business and Professions Code.

#### **HISTORY:**

1. New section filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

#### **§1935. Examination Procedure.**

#### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1936. Form and Date for Filing Application for License.**

(a) An application for an initial operator's or field representative's license shall be:

(1) Filed at the principal office of the board on a form provided by the board (See Form 43L-26(Rev. 3/90) as printed at the end of section 1936.1, or Form 43L-14(Rev. 8/90) which is printed at the end of this section) and shall comply with every requirement shown thereon.

(2) Accompanied by the required examination fee. Applications not filed with the board at least 15 days prior to the next scheduled examination will not be considered for that examination.

(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8560-8566 and 8674, Business and Professions Code.

#### **HISTORY:**

1. Amendment of subsection (b) filed 1-2-68; effective thirtieth day thereafter (Register 68, No. 1).
2. Amendment of subsections (c) and (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment of subsection (a)(1) and new form 43L-14 filed 6-22-92; operative 7-22-92 (Register 92, No. 26).

#### **§1936.1. Form and Date for Filing Application for Company Registration Certificate.**

(a) An application for a company registration certificate shall be:

(1) Filed at the principal office of the board on a form provided by the board (See Form No. 43L-26 Rev. (3/90) at the end of this section) and shall comply with every requirement shown thereon.

(2) Accompanied by the required company registration fee.

(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.



NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8610 and 8674, Business and Professions Code.

HISTORY:

1. New section filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
2. Change without regulatory effect amending subsection (a)(1) filed pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 30).

**§1936.2 Form for Filing Application for Applicator's License.**

(a) An application for an initial applicator's license shall be:

(1) Filed at the principal office of the board or at the office of one of the board's designated examination administrators, including, but not limited to, county agricultural commissioners, on a form provided by the board (See Form 43E-21 (New 5/95) which is printed at the end of this section) and shall comply with every requirement shown thereon.

(2) Accompanied by the required examination fee.

(b) All documents filed in support of any application will be retained by the board.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5 and 8564.6, Business and Professions Code.

HISTORY:

1. New section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

**§1937. Qualification of Applicant.**

(a) "Experience" and "in the employ of," as used in section 8562(b) of the code and "training and experience" as used in section 8564 of the code means actual field work.

(b) A qualifying manager of a registered company or licensed operator designated by a company shall provide written certification of an employee's or former employee's experience and time accurately and promptly upon written request by the employee. The qualifying manager or designated licensed operator must be licensed in the branch or branches for which he/she is certifying experience and time.

(c) Specific minimum requirements of training and experience are accorded to the branch or branches for which the applicant is applying, as follows:

- |          |  |
|----------|--|
| Branch 1 | A minimum of one hundred hours of training and experience in preparation, fumigation, ventilation, and certification required. |
| Branch 2 | A minimum of forty hours of training and experience, twenty hours of which are actual field work, required.                    |
| Branch 3 | A minimum of one hundred hours of training and experience, eighty hours of which are actual field work required.               |

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8562 and 8564, Business and Professions Code.

HISTORY:

1. New subsection (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsection (b) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 6-21-89; operative 7-21-89 (Register 89, No. 25).
5. Editorial correction restoring HISTORY 4. and correct text (Register 91, No. 45).
6. Amendment of subsection (a) and new subsection (c) filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

**§1937.1. Substantial Relation Criteria.**

For the purposes of denial, suspension or revocation of a license or company registration pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

- (a) Any violation of the provisions of Chapter 14 of Division 3 of the code.
- (b) Commission of any of the following in connection with the practice of structural pest control:
  - (1) Fiscal dishonesty
  - (2) Fraud
  - (3) Theft
  - (4) Violations relating to the misuse of pesticides.

NOTE: Authority cited: Sections 481 and 8525, Business and Professions Code. Reference: Sections 8525, 8568, 8620 and 8646, Business and Professions Code.

HISTORY:

- 1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11). For history of former section, see Register 73, No. 14.
- 2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
- 3. Amendment of first paragraph only filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**§1937.2. Criteria for Rehabilitation.**

(a) When considering the denial of a structural pest control license or company registration under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his or her or its present eligibility for a license or company registration will consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board, in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

- (1) Nature and severity of the act(s) or offense(s).
  - (2) Total criminal record.
  - (3) The time that has elapsed since commission of the act(s) or offense(s).
  - (4) Whether the licensee or registered company has complied with any terms of parole, probation,, restitution or any other sanctions lawfully imposed against the licensee or registered company.
  - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
  - (6) Evidence, if any, of rehabilitation submitted by the licensee or registered company.
- (c) When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

NOTE: Authority cited: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code. Reference: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code.

HISTORY:

1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11).  
For history of former section, see Register 73, No. 14.
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**§1937.11 Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" [1991] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board and/or administrative law judges in its/his or her discretion determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 8525, Business and Professions Code, Section 11425.50(e), Government Code. Reference: Section 11425.50(e), Government Code, and Sections 8620, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8646.5, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655 and 8657, Business and Professions Code.

HISTORY:

1. New section filed 4-14-97; operative 5-14-97 (Register 97, No. 16).

**§1937.12. Conditions of Probation.**

(a) Whenever a proposed decision places a licensee or registered company as a condition of staying a revocation or staying all or any portion of a suspension, the order granting such probation shall include at least the following conditions:

- (1) That the licensee or registered company. shall file quarterly reports with the board during the period of probation;
- (2) Such other terms and conditions as may be appropriate in light of the number and nature of the violations proven.

(b) Nothing in this regulation shall deprive the board of its authority to modify or delete any term or condition of probation contained in a proposed decision submitted by an administrative law judge.

NOTE: Authority cited: Sections 8525 and 8620, Business and Professions Code. Reference: Section 8620, Business and Professions Code.

HISTORY:

1. New section filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Amendment of subsection (a) filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**§1937.13. Posting Notice of Suspended Company Registration.**

A registered company whose registration is suspended shall post in a place conspicuous to the public a notice provided by the Board that its registration is under suspension. The notice shall be posted at each and every office that is under the suspension order.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8525, 8620 and 8624, Business and Professions Code.

**HISTORY:**

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**§1937.14. Quality of Work Completed.**

All work completed by licensees or registered companies shall be done within the specific requirements of any plans or specifications and shall meet accepted trade standards for good and workmanlike construction in any material respect, and shall comply with provisions of Section 2516(c)(1), (2), (4) and (6) of Title 24, California Code of Regulations.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8525, 8635 and 8636, Business and Professions Code.

**HISTORY:**

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

**§1937.16. Notice to Owner.**

The "Notice to Owner" form to be used by branch 1 and branch 3 registered companies in accordance with Section 8513 of the code shall be that set forth below.

**NOTICE TO OWNER**

Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property, but is not paid for his or her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid.

To preserve their right to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice." Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8513, Business and Professions Code.

**HISTORY:**

1. New section filed 9-21-84; effective thirtieth day thereafter (Register 84, No. 38). For prior history, see Register 83, No. 20.
2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**§1938. Group Qualification for Operator's License.**

**HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1940. Notice of Operator's and Field Representative's Examinations.**

Operator's and Field Representative's examination notices shall be mailed to all persons eligible for examination. Such notice shall be sent by United States mail, the postage fully prepaid, addressed to the applicant's address as shown on the notice of examination.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8560, Business and Professions Code.

##### **HISTORY**

1. Amendments filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of section heading and section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

#### **§1941. Failure to Appear for Operator's or Field Representative's Examinations.**

Failure of an applicant to appear for an operator's or field representative's examination after proper notification thereof shall be grounds for forfeiture of the examination fee, unless the applicant requests and is granted a postponement not less than five days prior to such examination or is excused by the board, for good cause, from complying with this requirement. An applicant who receives a postponement of not more than six (6) months will not be required to file a new application.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8560, Business and Professions Code.

##### **HISTORY:**

1. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
2. Amendment of section heading, section and Note filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

#### **§1942. Applicant Failing Operator's or Field Representative's Examination.**

An applicant who fails the operator's or field representative's examination may take another examination within six (6) months thereafter on the same application by paying an additional examination fee.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, Business and Professions Code.

##### **HISTORY:**

1. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
2. Amendment of section heading, section and Note filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

#### **§1943. Unauthorized Assistance During Examination.**

##### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

#### **§1944. Grades.**

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8520 and 8560, Business and Professions Code.

##### **HISTORY:**

1. Amendment filed 9-18-75; effective thirtieth day thereafter (Register 75, No. 38).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Repealer filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

### **§1945. Posting Names of Successful Applicants.**

#### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1946. Notice of Renewals.**

#### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1947. Time of Filing Application for Renewal--Paying Fee.**

#### **HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1948. Fees.**

(a) Pursuant to the provisions of section 8674 of the code, the following fees are established:

- (1) Duplicate license. . . \$ 2
- (2) Change of licensee name. . . \$ 2
- (3) Operator's examination. . . \$ 25
- (4) Operator's license. . . \$150
- (5) Renewal operator's license. . . \$150
- (6) Company office registration. . . \$120
- (7) Branch office registration. . . \$ 60
- (8) Field representative's examination. . . \$ 10
- (9) Field representative's license. . . \$ 30
- (10) Renewal field representative's license. . . \$ 30
- (11) Change of registered company's name. . . \$ 25
- (12) Change of principal office address. . . \$ 25
- (13) Change of branch office address. . . \$ 25
- (14) Change of qualifying manager. . . \$ 25
- (15) Change of registered company's officers. . . \$ 25
- (16) Change of bond or insurance. . . \$ 25
- (17) Continuing education provider. . . \$ 50
- (18) Continuing education course approval. . . \$ 25
- (19) Pesticides use report filing. . . \$ 6

(b) Pursuant to section 8564.5 of the code, the fee for examination for licensure as an applicator is \$15.00 for each branch in which an examination is taken.

(c) Pursuant to section 8593 of the code, the fee for the continuing education examination for operators is \$25.00, for each branch in which an examination is taken.

(d) Pursuant to section 8593 of the code, the fee for the continuing education examination for field representatives is \$10.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8593 and 8674, Business and Professions Code.

#### HISTORY:

1. New section filed 6-28-60; effective thirtieth day thereafter (Register 60, No. 15).
2. Amendment of subsection (b) filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27)..
3. Amendment filed 5-2-83; effective thirtieth day thereafter (Register 83, No. 19).
4. Amendment of NOTE filed 9-29-83; effective thirtieth day thereafter (Register 83, No. 39).
5. New subsections (c) and (d) filed 4-12-84; effective thirtieth day thereafter (Register 84, No. 15).
6. Amendment of subsection (a) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
7. Amendment filed 3-24-87; effective thirtieth day thereafter (Register 87, No. 13).
8. Amendment filed 9-19-88; operative 10-19-88 (Register 88, No. 39).
9. Amendment filed 9-19-90; operative 10-19-90 (Register 90, No. 44).
10. Amendment of subsections (a)(5), (a)(10) and (b) filed 5-18-92; operative 6-17-92 (Register 92, No. 21).
11. Editorial correction of printing error in subsections (a)(14) and (a)(19) (Register 92, No. 21).
12. Amendment of subsection (b) filed 5-17-95; operative 6-16-95 (Register 95, No. 20).
13. Amendment of subsection (b) filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 3.5. Continuing Education**

#### **§1950. Continuing Education Requirements.**

(a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to gain a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(c) For the renewal period ending June 30, 1995, and each subsequent renewal period, operators licensed in one branch of pest control or wood roof cleaning and treatment shall gain 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control or one branch of pest control and wood roof cleaning and treatment shall gain 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control or two branches of pest control and wood roof cleaning and treatment shall gain 24 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control and wood roof cleaning and treatment shall gain 28 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control or wood roof cleaning and treatment held by the licensee must be gained for each branch license and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(d) For the renewal period ending June 30, 1995, and each subsequent renewal period, field representatives licensed in one branch of pest control or wood roof cleaning and treatment shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control or one branch of pest control and wood roof cleaning and treatment shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control or two branches of pest control and wood roof cleaning and treatment shall have completed 24 continuing education hours during each three year renewal period and field representatives licensed in three branches of pest control and wood roof cleaning and treatment shall gain 28 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control or wood roof cleaning and treatment held by the licensee must be gained for each branch of pest control or wood roof cleaning and treatment licensed and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(e) Operators who hold a field representative's license in a branch of pest control or wood roof cleaning and treatment in which they do not hold an operator's license must gain four of the continuing education hours required by section 1950(c) in a technical subject directly related to the branch or branches of pest control or wood roof cleaning and treatment in which the field representative's license is held, in order to keep the field representative's license active.

(f) No course, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for continuing education hours.



NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8560 and 8593, Business and Professions Code.

HISTORY:

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
2. Amendment filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (c) and (d) filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

**§1950.5. Hour Value System.**

The following hour values shall be assigned to the educational activities approved by the Board. All educational activities must be submitted to the Board for approval before presentation for continuing education credit, in accordance with section 1953.

- (a) Accredited college courses - 10 hours for each 2 semester-unit course; 16 hours for each 3 semester-unit course.
- (b) Adult education courses - 6 hours
- (c) Professional seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control or wood roof cleaning and treatment.
- (d) Technical seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control or wood roof cleaning and treatment. Each approved technical seminar or meeting must include an examination to be administered at the end of the course. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.
- (e) Operators' courses approved by the Board pursuant to section 8565.5 of the code - 1 hour per hour of instruction.
- (f) Correspondence courses developed by the Board pursuant to section 8565.5 of the code - full credit per branch.
- (g) Correspondence courses approved by the Board - hours will be assigned depending on the complexity of the course and its relevance to new developments in the field of pest control or wood roof cleaning and treatment.
- (h) Equivalent activities, including teaching approved courses and publishing technical articles - 1 to 6 hours per activity, depending on the complexity of the activity and its relevance to new developments in the field of pest control or wood roof cleaning and treatment.
- (i) Association meetings - 1 hour for every hour of instruction up to a maximum of 4 hours per meeting.
- (j) Structural Pest Control Board meetings - 2 hours per meeting, up to a maximum of 6 hours per renewal period (excluding Board Members.)
- (k) Structural Pest Control Board Committee meetings - 1 hour per meeting, up to a maximum of 2 hours per renewal period (excluding Board Members).
- (l) In-house training in technical subjects - 1 hour per hour of instruction.
- (m) Board approved Rules and Regulations courses - 1 hour for every hour of instruction. Each approved activity must include an examination to be administered at the end of the course. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8593, Business and Professions Code.

HISTORY:

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).

2. Amendment of subsections (c), (d), (g), (h) and (l) and new subsection (m) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (d) and (h) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
4. Amendment of subsections (d) and (m) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

### **§1951. Examination in Lieu of Continuing Education.**

In lieu of continuing education, a licensed operator or field representative may qualify for renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensed operators or field representatives who choose this method of qualifying for renewal may take this examination only once, and must take the examination no earlier than one year prior to their license expiration date. A score of 70% shall be considered a passing grade on this examination.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560(c) and 8593, Business and Professions Code.

#### **HISTORY:**

1. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

### **§1952. Inactive Licenses.**

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8690.5, Business and Professions Code.

#### **HISTORY:**

1. Repealer filed 5-21-85; designated effective 7-1-86 (Register 85, No. 21).
2. Editorial correction removing repealed text (Register 86, No. 46).

### **§1953. Approval of Activities.**

(a) Providers of activities of continuing education in pest control shall request approval as a provider and of activities on forms provided by the Board (See Form 43M-18 (Rev. 3/87) at the end of this section) accompanied by the required fees. Requests for approval of activities must be submitted to the Board no later than 60 days prior to presentation of the activity unless exception is granted by the Registrar.

(b) All providers must notify the Board 30 days prior to the presentation of any board approved activity, unless exception is granted by the Registrar.

(c) All providers must submit a course attendance roster (See Form No. 43M-46(New 3/93) at the end of this section) to the Structural Pest Control Board within five working days after every course instructed.

(d) After giving the provider a written notice and an opportunity to respond, the Board may withdraw approval of any activity, when good cause exists. Good cause shall include, but not be limited to, failure actually to meet the standards for approval of activities which are outlined in subsection (f) of this section.

(e) Unless otherwise indicated on the written notification of approval, or unless an approval is withdrawn by the Board at an earlier date, approval of each activity shall remain in effect for 3 years.

(f) In order to be approved, activities must be:

- (1) Directly related to the field of structural pest control;
- (2) Provided by an institution, association, university, or other entity assuming full responsibility over the course program;
- (3) Composed of a formal program of learning which requires attendance and participation, and which provides at least one hour of instruction, a syllabus, an evaluation method on Form No. 43M-38 (NEW 5/87) (which is printed at the end of this section), a certificate of completion on Form No. 43M-39 (NEW 5/87) (which is printed at the end of this section); and,

(4) Conducted by an instructor who has qualified by meeting two of the following experience requirements:

- (A) Completion of training in the subject of the activity,
  - (B) Six months' experience working in the area covered by the activity within the preceding three years,
  - (C) Experience teaching a activity of similar content within the preceding five years,
  - (D) Completion of any post-secondary studies related to the subject matter of the activity,
  - (E) Author of the activity being reviewed, or a credentialed instructor.
- (g) No activity which focuses on the policies, procedures or products of a single firm, or which consists of meetings which are a normal part of in-house staff or employee training shall be approved.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8593, Business and Professions Code.

HISTORY:

1. Amendment of subsection (d)(4)(D) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
2. Amendment of subsection (a) filed 3-24-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
3. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
4. New subsection (c), subsection redesignation and amendment of subsections (d) and (f)(3) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 4. Fumigation and Pesticide Use**

#### **§1970. Standards and Record Requirements.**

For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee.

(a) The log (See Form 43M-47 (New 5/96) at the end of this section) for each fumigation job shall contain the following information:

Name, address and company registration certificate number of prime contractor.

Name, address and company registration certificate number of subcontractor, if any.

Address of property.

Date of fumigation.

Name and address of owner or his or her agent.

Name and address of guard.

Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5.

Date and hour police department was notified, where required by local ordinance.

Date and hour county agricultural commissioner was notified and method of notification, where required.

Property description including type of structure as to details of roofing and walls.

Cubic feet fumigated.

Target pest(s).

Kind of fumigant(s) used.

United States Environmental Protection Agency registration number(s) of fumigant(s).

Name of warning agent and amount used.

Type of sealing method used.

Weather conditions as to temperature and wind.

Date and hour fumigant introduced.

Cylinder number of each fumigant used.

Weight of each fumigant cylinder before introduction of gas.

Pounds of fumigant used from each cylinder.

Total pounds of fumigant used.

List of any extraordinary safety precautions taken.

Name, signature and license number of operator or field representative releasing fumigant.

First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy.

Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy.

Date and hour aeration commenced.

Conditions of tarp and seal.

Name, signature and license number of operator or field representative commencing ventilation.

Type of device(s) used to test for re-entry.

Date and hour ready for occupancy.

Name, signature and license number of operator or field representative releasing property for occupancy.

Method used to calculate amount of fumigant used.

Factors used in calculation of fumigant.

Special notes or comments pertinent to fumigation.

(b) The report for each pest control operation, other than fumigation, in which a pesticide is used shall contain the following information:

Date of treatment.

Name of owner or his or her agent.

Address of property.

Description of area treated.

Target pest(s).

Pesticide and amount used.

Identity of person or persons who applied the pesticide.

(c) The term "fraudulent act" as used in Section 8642 includes but is not limited to the falsification of any records pertaining to fumigation jobs or other pest control operations in which a pesticide other than a fumigant is used.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8642, 8646 and 8652, Business and Professions Code.

**HISTORY:**

1. Amendment filed 9-29-78 as an emergency; effective upon filing (Register 78, No. 39). For prior history, see Register 68, No. 1.
2. Amendment filed 9-29-78; effective thirtieth day thereafter (Register 78, No. 52).
3. Certificate of Compliance filed 1-23-79 (Register 79, No. 4).
4. Editorial correction (Register 79, No. 43).
5. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
6. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
7. Amendment of first paragraph and subsections (a) and (b), amendment of Note, and new form 43M-47 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).

**§1970.1. Enclosed Spaces.**

(a) As used in Section 8505.1 of the code, the term "enclosed space" shall include but shall not be limited to any of the following:

- (1) Vault or chamber
- (2) Tarpaulin covering
- (3) Paper and tape seal
- (4) Combination paper and tape and tarpaulin
- (5) Van, boxcar, ship, plane or other vehicle

(b) For purposes of subsection (a), "tarpaulin" means a protective covering which is capable of retaining a fumigant for the period of time required by the label for such fumigant.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.1 and 8505.7, Business and Professions Code.

**HISTORY:**

1. New Sections 1970.1, 1970.2, and 1970.3 filed 9-18-75; effective thirtieth day thereafter (Register 75, No. 38).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

**§1970.2. Fumigation Effectiveness.**

**HISTORY:**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1970.3. Securing Against Entry.**

As used in Section 8505.7 of the code, the phrase "locked, barricaded, or otherwise secured against entry" shall mean that all structures, prior to fumigation, shall have a secondary lock on all outside doors. A secondary lock means a device or barricade that will secure and prevent a door from being opened by anyone other than the licensee in charge of the fumigation. Examples of approved devices are clamshell locks, padlocks, keyway locks, pins or any other device, including inside deadbolts.

(a) Pins shall be of a thickness to prevent the insertion of the door key.

(b) Staples cannot be used in keyways as a secondary lock under any circumstances.

(c) An exterior doorway on a garage or an uninhabited structure which does not have a door shall have impassable barricades erected thereon prior to fumigation if it provides a path of access for persons to enter into a building which is inhabited by human beings or shows evidence of human habitation. This provision shall apply to side doorways on otherwise enclosed garages if the garage is being used for storage of personal property, or is part of inhabited property.

A garage without a car door or where the car door is missing shall be considered a carport and need not be barricaded unless there is evidence that the garage area is being used for habitation.

A barricade is considered to be plywood with a thickness of one-fourth inch or a material of equal or greater strength.

NOTE: Authority cited: Sections 8520 and 8525, Business and Professions Code. Reference: Sections 8505.4 and 8505.7, Business and Professions Code.

#### **HISTORY:**

1. Repealer and new section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 1-26-82; effective thirtieth day thereafter (Register 82, No. 5).
3. Editorial correction (Register 82, No. 16).
4. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment and new subsections (a)-(d) filed 1-13-93; operative 2-12-93 (Register 93, No. 3).
6. Amendment of first paragraph, repealer of subsection (a) and subsection relettering, and amendment of newly designated subsection (a) and last paragraph filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

### **§1970.4. Pesticide Disclosure Requirement.**

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (New 5/96) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

The properly signed form or a copy thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.

(c) Whenever a licensee employed by a branch 2, branch 3 or wood roof cleaning and treatment registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a written notice identifying the common, generic or chemical name of each

pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.

(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.

(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.

(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefor, the common, generic or chemical name of each pesticide applied.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505.7, 8505.13 and 8538, Business and Professions Code.

**HISTORY:**

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
3. Amendment of subsection (a) filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Relettering of former subsection (d) to (e) and new subsection (d) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
5. Relettering of former subsection (e) to (f) and new subsection (e) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
6. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
7. Amendment of subsections (a), (d) and (e) filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
8. Amendment of subsections (a), (c) and Note filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
9. Amendment of subsections (a), (c) and (d), amendment of Note, and new form 43M-48 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).

**§1970.5. Commencing Aeration.**

"The time ventilation is commenced" as used in section 8505.3 of the Code means the period of time beginning when the seal is broken and ending when all seals/tarps are removed. A licensed Branch 1 operator or field representative is required to be present during this entire period of time.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505.3, Business and Professions Code.

**HISTORY:**

1. New section filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
2. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

**§1970.6 Fumigation of Connecting Structures.**

During the process of fumigation, all single units and rooms within the entire structure shall be vacated.

Connecting structures to those structures to be fumigated need not be vacated if they are separated by sealing methods which prevent the fumigant from entering the adjacent or adjoining structures.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505.7, Business and Professions Code.

HISTORY:

1. New section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

**§1971. Fumigation Safety Kit and Other Equipment.**

- (a) All fumigation crews shall be provided with and shall have in their possession on the job:
- (1) A fumigation safety kit, in proper condition for use, containing at least the following:
    - (A) Statements of instructions published by the manufacturer of the fumigants being used.
    - (B) Two or more effective gas masks or other safety equipment approved by the National Institute of Occupational Safety and Health, for protection against the type of fumigant being used.
    - (C) A chart of instructions for artificial resuscitation.
  - (2) Proper testing equipment as required by the manufacturer's label instructions and all applicable laws and regulations.
- (b) The crew shall be instructed in the use and care of kit and safety equipment and in first aid methods.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.4, 8505.8, 8505.15 and 8505.16, Business and Professions Code.

HISTORY:

1. Amendment filed 11-18-57; effective thirtieth day thereafter (Register 57, No. 20).
2. Amendment of subsection (a) filed 9-18-75; effective thirtieth day thereafter (Register 75, No. 38).
3. Amendment filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
4. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Repealer of subsection (a)(1)(A), subsection relettering, and amendment of newly designated subsection (a)(C)(2) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

**§1972. Warning Gases and Extraordinary Precautions.**

HISTORY:

1. New section filed 11-18-57; effective thirtieth day thereafter (Register 57, No. 20).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

**§1973. Re-Entry Requirements**

Following a fumigation, the licensee must personally:

- (a) Perform proper testing after aeration using testing equipment for clearing the structure as required by the manufacturer's label instructions and all applicable laws and regulations.
- (b) Release the property for occupancy by posting a Notice of Re-Entry (See Form 43M-42 (Rev. 8/92) at the end of this section). The form must be no smaller than 8 1/2" x 11" and be printed in black lettering on a white background.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.3 and 8505.7, Business and Professions Code.

HISTORY:

1. New section filed 12-18-92; operative 1-19-93 (Register 92, No. 51).
2. Amendment of section heading and section filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

**§1974. Fumigation Warning Signs.**



Prior to commencement of fumigation, warning signs which comply with the provisions of sections 8505.9 and 8505.10 (see Form 43M-15 (New 8/93)) shall be posted. Such warning signs shall be at least 11" x 15".

(a) Prior to sealing a structure which is to be fumigated, fumigation warning signs shall be posted on the structure at or near all entrances and on each side of the structure and kept at those locations until the structure is declared to be safe for re-occupancy by the licensee exercising direct and personal supervision over the fumigation.

(b) Fumigation warning signs shall also be placed on the outside surface of the tarps used to seal the structure and shall be clearly visible on all accessible sides of the space under fumigation and from any direction from which the site may be approached.

Additional fumigation warnings signs shall be posted at all joint seams of the tarp at the first floor level.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.4, 8505.6, 8505.9 and 8505.10, Business and Professions Code.

HISTORY:

1. New section filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

### **§1980. Sodium Fluoracetate--Compound 1080.**

NOTE: Authority cited: Sections 8525 and 8643, Business and Professions Code. Reference: Sections 8643 and 8647, Business and Professions Code.

HISTORY:

1. Amendment filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1981. Rodenticides and Avicides.**

NOTE: Authority cited: Sections 8520, 8525 and 8643, Business and Professions Code. Reference: Sections 8643 and 8647, Business and Professions Code.

HISTORY:

1. Amendment filed 7-5-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Amendment of subsection (e) filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
3. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1982. Insecticides.**

NOTE: Authority cited: Sections 8525 and 8643, Business and Professions Code. Reference: Sections 8643 and 8647, Business and Professions Code.

HISTORY:

1. Amendment filed 7-5-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

### **§1983. Handling, Use, and Storage of Pesticides.**

(a) Each container in which any pesticide is stored, carried or transported shall be adequately labeled in accordance with the provisions of Articles 1 and 5, Chapter 2, Division 7 of the Food and Agriculture Code (relating to economic poisons) and regulations adopted by the Department of Pesticide Regulation thereunder.

(b) Service kits which contain any pesticide or preparation thereof shall be handled with extreme caution and in no case shall such a kit be left where children or other unauthorized persons might remove the contents.

(c) When any pesticide or preparation thereof is carried on a truck or other vehicle, a suitable storage space shall be provided thereon. Under no circumstances shall such storage be left either unlocked or unattended when containing any pesticide or preparation thereof.

(d) Where there is danger of food or drug contamination, all food or drug commodities and all utensils or equipment used in the preparation of food or drugs shall be adequately covered to insure against contamination by pesticidal materials, unless the contamination will be dissipated or otherwise removed prior to the time the food or drugs are consumed or the utensils or equipment used.

(e) No rodenticide or avicide shall be used in such manner as to be readily accessible to children or pets.

(f) All rodenticides and avicides shall be removed from readily accessible places upon termination of the particular service.

(g) Under no circumstances shall oil base insecticidal materials be used in or near open flames or active heaters.

(h) Tracking powders shall be used only at floor level or in such places as warrant their safe use.

(i) When a covered or uncovered bait station is used for any pesticide the bait station shall be adequately marked with the signal word or symbols required on the original pesticide label, the generic name of the pesticide, and the name, address and telephone number of the structural pest control company. A building which is vacated, posted, locked and in the care, custody and control of the registered company shall be considered the bait station.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8643 and 8647, Business and Professions Code.

HISTORY:

1. Amendment filed 7-5-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsections (h) and (i) and repealer of subsection (j) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment of subsections (a) and (b) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

# **TITLE 16. Professional And Vocational Regulations**

## **Division 19. Structural Pest Control Board**

### **Article 5. Wood Destroying Organisms**

#### **§1990. Report Requirements Under Section 8516(b) 1-9, Inclusive.**

(a) All reports shall be completed as prescribed by the board. Copies filed with the board shall be clear and legible. All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code, and shall contain or describe the following:

- (1) Structural pest control license number of the person making the inspection.
- (2) Signature of the Branch 3 licensee who made the inspection.
- (3) Infestations, infections or evidence thereof.
- (4) Wood members found to be damaged by wood destroying pests or organisms.

(b) Conditions usually deemed likely to lead to infestation or infection include, but are not limited to:

- (1) Faulty Grade Level. A faulty grade level exists when the top of any foundation is even with or below the adjacent earth. The existing earth level shall be considered grade.
- (2) Inaccessible subareas or portions thereof and areas where there is less than 12 inches clear space between the bottom of the floor joists and the unimproved ground area.
- (3) Excessive Cellulose Debris. This is defined as any cellulose debris of a size that can be raked or larger. Stumps and wood imbedded in footings in earth contact shall be reported.
- (4) Earth-wood contacts.
- (5) Commonly controllable moisture conditions which would foster the growth of a fungus infection materially damaging to woodwork.

(c) When an infestation of carpenter ants or carpenter bees is found in a structure, control measures may be applied by companies holding a Branch 2 or Branch 3 registration certificate. If a Branch 3 licensee discovers an infestation or evidence of carpenter ant or carpenter bee infestation while performing an inspection pursuant to section 8516 of the code, he or she shall report his or her findings and make recommendations for controlling the infestation.

(d) Even though the licensee may consider the following areas inaccessible for purposes of inspection, the licensee must state specifically which of these areas or any other areas were not inspected and why the inspection of these areas is not practical: furnished interiors; inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; stall showers over finished ceilings; such structural segments as porte cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath coverings, areas where storage conditions or locks make inspection impracticable.

(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

(f) The following language shall appear just prior to the first finding/recommendation on each separated report:

"This is a separated report which is defined as Section I/Section II conditions evident on the date of the inspection. Section I contains items where there is visible evidence of active infestation, infection or conditions that have resulted in or from infestation or infection. Section II items are conditions deemed likely to lead to infestation or infection but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section I or Section II."

(g) Information must be reported regarding any wooden deck, wooden stairs or wooden landing in exterior exposure attached to or touching the structure being inspected. Portions of such structure that are not available for visual inspection must be designated as inaccessible.

NOTE: Authority cited: Sections 8525 and 8538(c), Business and Professions Code. Reference: Sections 8516 and 8538, Business and Professions Code.

HISTORY:

1. Amendment of subsections (h), (i), (j) and new subsection (k) filed 12-27-73; designated effective 3-1-74 (Register 73, No. 52). For prior history, see Register 64, No. 11.
2. Amendment filed 5-22-75; effective thirtieth day thereafter (Register 75, No. 21).
3. Amendment filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
4. Amendment of subsection (k) filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
5. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
6. Amendment of subsection (a) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
7. Amendment of subsections (a) and (a)(4), new subsection (c) and subsection relettering, and new subsection (f) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
8. Change without regulatory effect amending subsection (c) filed 5-20-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 21).
9. New subsection (g) filed 4-28-98; operative 5-28-98 (Register 98, No. 18).

**§1990.1. Report Requirements Under Section 8516.1(b) and (c) (1)-(8) inclusive.**

Copies of all reports filed with the board shall be complete, clear and legible. All reports must supply the information required by subsection (a) and paragraphs (1)-(8), inclusive, of subdivision (b) of Section 8516.1 of the code and the information regarding the wood preservative used as set forth in Section 8538 of the code, and shall contain or describe the following:

- (1) Structural pest control license number of the person making the inspection.
- (2) Signature of the wood roof cleaning and treatment licensee who made the inspection.
- (3) Infections of wood destroying organisms or nondecay fungi.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8510, 8516.1, 8538 and 8560, Business and Professions Code.

HISTORY:

1. New section filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

**§1991. Report Requirements Under Section 8516(b)9.**

(a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 9 of subdivision (b) of Section 8516 of the code and shall also conform with the provisions of Title 24 of the California Code of Regulations and any other applicable local building code, and shall accomplish the following:

- (1) Comply with the provisions of section 2516(c)(1) of Title 24 of the California Code of Regulations.
- (2) Remove from the subarea all excessive cellulose debris in earth contact. This excludes shavings or other cellulose too small to be raked or stored goods not in earth contact. Stumps and wood imbedded in footings in earth contact shall be treated if removal is impractical.
- (3) When evidence of moisture, infestations or infections exists as a result of faulty grade levels, earth fill planters or loose stucco, a recommendation shall be made to correct the condition. Any method of controlling infestations arising from these conditions is considered adequate if the infestation is controlled.
- (4) Comply with the provisions of section 2516(c)(6.1) of Title 24 of the California Code of Regulations (Effective July 1992).
- (5) Structural members which appear to be structurally weakened by wood-destroying pests to the point where they no longer serve their intended purpose shall be replaced or reinforced. Structural

members which are structurally weakened by fungus to the point where they no longer serve their intended purpose shall be removed or, if feasible, may remain in place if another structural member is installed adjacent to it to perform the same function, if both members are dry (below 20% moisture content), and if the excessive moisture condition responsible for the fungus damage is corrected. Structural members which appear to have only surface fungus damage may be chemically treated and/or left as is if, in the opinion of the inspector, the structural member will continue to perform its originally intended function and if correcting the excessive moisture condition will stop the further expansion of the fungus.

(6) Comply with the provisions of section 2516(c)(6) of Title 24 of the California Code of Regulations.

(7) Comply with the provisions of section 2516(c)(4) of Title 24 of the California Code of Regulations.

(8) Exterminate all reported wood-destroying pests. Such extermination shall not be considered repair under section 8516(b)(12) of the code. If evidence indicates that wood-destroying pests extend into an inaccessible area(s), recommendation shall be made to either:

(A) enclose the structure for an all encompassing treatment utilizing materials listed in Section 8505.1 of the code, or

(B) use another all encompassing method of treatment which exterminates the infestation of the structure, or

(C) locally treat by any or all of the following:

1. exposing the infested area(s) for local treatment,
2. removing the infested wood,
3. using another method of treatment which exterminates the infestation.

When a complete inspection is performed, a recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests.

When a limited inspection is performed, the inspection report shall state that the inspection is limited to the area(s) described and diagrammed. A recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests in the limited areas. The limited inspection report shall include a recommendation for further inspection of the entire structure and that all accessible evidence of wood-destroying pests be removed or covered.

(9) For the extermination of subterranean termite infestations, treat an infested area under the structure when subterranean termite tubes are found connected to the ground or when active infestations are found in the ground. Subterranean termite tubes shall be removed where accessible.

(10) Comply with the provisions of section 2516(c)(2) of Title 24 of the California Code of Regulations.

(11) Correct any excessive moisture condition that is commonly controllable. When there is reasonable evidence to believe a fungus infection exists in a concealed wall or area, recommendations shall be made to open the wall or area.

(12) Repair a stall shower if it is found to leak when water tested for a minimum of fifteen (15) minutes after the shower drain has been plugged and the base filled to within one (1) inch of the top of the shower dam. Stall showers with no dam or less than two (2) inches to the top of the dam are to be water tested by running water on the unplugged shower base for a minimum of five (5) minutes. Showers over finished ceilings must be inspected but need not be water tested. If water stains are evident on the ceiling, recommendations shall be made for further inspection and testing.

(13) Restore any members of wooden decks, wooden stairs or wooden landings in exterior exposure to a condition where they are able to carry out their intended function. Recommendations for corrective measures will depend upon the extent of adverse exposure and existing degree of deterioration and may include any of the following:

(A) Refasten any wood members which are considered structurally functional but have become loose because of wood deterioration.

(B) Remove and/or replace structurally weakened portions of any wood member.

(C) Remove and replace all wood members if full function and safety cannot be restored by partial replacement and repair as in (B) above, remove and replace entire wood member.

(b) Preconstruction application of termiticide for protection from subterranean termites shall not be made at less than the manufacturer's label specifications.

(c) If in the opinion of the inspector a building permit is required, it must be noted on the wood destroying pests and organisms inspection report (Form No. 43M-41 as specified in section 1996 of the California Code of Regulations).

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8516, Business and Professions Code.

**HISTORY:**

1. Amendment filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment of subsections (a)(3), (9) and new (b) filed 1-2-68; effective thirtieth day thereafter (Register 68, No. 1).
4. Amendment filed 12-27-73; designated effective 3-1-74 (Register 73, No. 52).
5. Amendment of subsection (a) filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
6. Amendment filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
7. Editorial correction of subsection (a)(12)(Register 80, No. 36).
8. Amendment of subsection (a)(12) filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
9. Amendment of subsection (a)(8) filed 2-13-87; effective thirtieth day thereafter (Register 87, No. 8).
10. Amendment of subsections (a) and (a)(9) and repealer and adoption of subsections (a)(1), (a)(4), (a)(6), (a)(7), and (a)(10) filed 11-15-91; operative 12-16-91 (Register 92, No. 8).
11. Repealer of subsection (a)(8) and new subsections (a)(8)(A)-(C) filed 3-30-92; operative 4-29-92 (Register 92, No. 15).
12. Amendment of subsections (a)(2) and (a)(8), repealer of subsection (b) and new subsection(b) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
13. Amendment of subsection (a)(5) filed 4-3-96; operative 5-3-96 (Register 96, No. 14).
14. New subsections (a)(13)-(a)(13)(C) and (c) filed 4-28-98; operative 5-28-98 (Register 98, No.18).

**§1991.1. Report Requirements Under Section 8516.1(c)(8).**

Recommendations for corrective measures for the conditions found shall be made as required by paragraph 8 of subdivision (c) of Section 8516.1 of the code and shall also conform to any local building code that is applicable, and shall accomplish the following:

(a) Clean wood-destroying organisms or non-decay fungi from the wood shakes or shingles by applying a high pressure water spray.

(b) Where treatments for prevention of infection of wood-destroying organisms or non-decay fungi or further damages from wood-destroying organisms are recommended, a wood preservative as defined in Section 8510 of the code must be applied.

(c) When there is reasonable evidence to believe a fungus infection exists in the roof rafters, recommendation shall be made to contact a structural pest control company registered in Branch 3 for inspection.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8510 and 8516.1, Business and Professions Code.

**HISTORY:**

1. New section filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

**§1992. Secondary Recommendations.**

In addition to the recommendations required in section 1991, the report may suggest secondary recommendations. When secondary recommendations are made, they shall be labeled as secondary recommendations and included as part of the inspection report with a full explanation of why they are made, with the notation that they are below standard measures. If secondary recommendations are performed, any letter of completion, billing or other document referring to the work completed, must

state specifically which recommendations were secondary and below standard and specify the name of the person or agency requesting completion of the secondary recommendations.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8516, Business and Professions Code.

HISTORY:

1. New sections filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment filed 9-20-90; operative 10-20-90 (Register 90, No. 44).
5. Amendment filed 12-7-92; operative 1-19-93 (Register 92, No. 51).

### **§1993. Inspection Reports.**

All of the following reports must be in compliance with the requirements of Section 8516 of the code. All reports must be on the form prescribed by the board and filed with the board with stamps affixed.

(a) An original inspection report is the report of the first inspection conducted on a structure at the request of a specified party or for a specified purpose. Subsequent inspections conducted on a structure at the request of a different party, for a different purpose than a previous inspection, or a different transaction relating to the same structure shall be deemed to be new inspections for which an original inspection report shall be required. An original inspection report may be either a complete or limited inspection.

(b) A complete report is the report of an inspection of all visible and accessible portions of a structure.

(c) A limited report is the report on only part of a structure. Such a report shall have a diagram of the area inspected and shall specifically indicate which portions of the structure were inspected with recommendation for further inspection of the entire structure and the name of the person or agency requesting a limited report.

(d) A supplemental report is the report on the inspection performed on inaccessible areas that have been made accessible as recommended on a previous report. Such report shall indicate the absence or presence of wood-destroying pests or organisms or conditions conducive thereto. This report can also be used to correct, add, or modify information in a previous report. A licensed operator or field representative shall refer to the original report in such a manner to identify it clearly.

(e) A reinspection report is the report on the inspections of item(s) completed as recommended on an original report or subsequent report(s). The areas reinspected can be limited to the items requested by the person ordering the original inspection report. A licensed operator or field representative shall refer to the original report in such a manner to identify it clearly.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8516, Business and Professions Code.

HISTORY:

1. New section filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment of section heading and section filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
5. Amendment of subsections (d) and (e) and new form filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

### **§1994. Limited Inspection Reports.**

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8516, 8516.1, Business and Professions Code.

HISTORY:

1. New section filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).

2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Repealer filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

## **§1995. Limitation of Report.**

### **HISTORY:**

1. New section filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

## **§1996. Requirements for Reporting All Inspections Under Section 8516(b).**

(a) A written inspection report conforming to section 8516(b) of the code (See Form No. 43M-41 (Rev. 8/97) at the end of this section) shall be prepared and filed with the board regardless of whether the registered company has offered to perform the inspection without charge. The granting of permission to make an inspection shall be deemed a request to make an inspection.

(b) Reference to price may be deleted from the copy of the report filed with the board provided this is the only difference between the copy filed with the board and the copy that is delivered to the person who requested the inspection or to his or her designated agent.

(c) The failure or refusal of the person ordering the inspection or of his or her designated agent to pay for such inspection or report shall not excuse a registered company which has commenced an inspection from preparing and delivering a report and filing a copy thereof with the board.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8516, Business and Professions Code.

### **HISTORY:**

1. New section filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
2. Amendment of subsection (b) filed 12-27-73; designated effective 3-1-74 (Register 73, No. 52).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 1346.2(d) (Register 87, No. 13).
5. Amendment of subsection (a) filed 7-13-90; operative 8-12-90 (Register 90, No. 34).
6. Amendment of subsection (a) filed 12-28-90; operative 1-27-91 (Register 91, No. 6).
7. Change without regulatory effect amending subsection (a) and form filed 9-16-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 38).
8. Change without regulatory effect amending section and Form 43M-41 filed 3-2-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 10).
9. Editorial correction of Form 43M-41 and History 8 (Register 95, No. 16).
10. Amendment of subsection (a) and Form 43M-41 filed 8-13-98; operative 9-12-98 (Register 98 No. 33).

## **§1996.1. Inspection and Completion Tags.**

(a) An inspection tag shall be posted in the attic or sub-area, or in the garage whenever an inspection for wood-destroying pests or organisms is made. The inspection tag shall be not less than 3" by 5" and shall contain the firm's name, date of inspection and the following statement: "Do not remove--Structural Pest Control Board Regulation 1996.1."

(b) If the registered company completes any work with respect to wood-destroying pests or organisms, it shall post a completion tag next to the inspection tag. The completion tag shall be not less than 3" by 5" and shall contain the firm's name, date of completion and name of any chemical used.

(c) The inspection report shall indicate the location of the inspection tag. The inspection report must also indicate the presence of any other inspection or fumigation tag that is less than two years old and any similar completion tag. A registered company shall not remove any tag.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8516-8519, 8614, 8615 and 8644, Business and Professions Code.



**HISTORY:**

1. New section filed 7-17-79; designated effective 10-1-79 (Register 79, No. 29).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsections (b) and (c) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).

**§1996.2. Standard Notice of Work Completed and Not Completed.**

A written standard notice of work completed and not completed form conforming to section 8518 of the code and Form No. 43M-44 (Rev. 8/97) found at the end of this section shall be prepared and filed with the board.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8518, Business and Professions Code.

**HISTORY:**

1. New section and form filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
2. Change without regulatory effect amending section and Form 43M-44 filed 3-2-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 10).
3. Editorial correction moving Note and History to follow Form 43M-44 (Register 95, No. 16).
4. Amendment of subsection (a) and Form 43M-44 filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

**§1997. Filing Fees--Inspection Reports and Completion Notices.**

Pursuant to the provisions of section 8674 of the Business and Professions Code, the following fees are determined, set and established:

- (1) Inspection Report filing \$1.50
- (2) Notice of Work Completed filing \$1.50

NOTE: Authority cited: Sections 8525 and 8674, Business and Professions Code. Reference: Sections 8516.2, 8518 and 8674, Business and Professions Code.

**HISTORY:**

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12). For prior history, see Register 68, No. 6.
2. Amendment filed 2-22-80; effective thirtieth day thereafter (Register 80, No. 8).
3. Amendment filed 6-9-82; effective thirtieth day thereafter (Register 82, No. 24).
4. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
6. Amendment filed 2-13-87; effective thirtieth day thereafter (Register 87, No. 8).
7. Amendment filed 9-19-88; operative 10-19-88 (Register 88, No. 39).
8. Amendment filed 9-19-90; operative 10-19-90 (Register 90, No. 44).
9. Amendment filed 7-21-92; operative 8-20-92 (Register 92, No. 30).
10. Amendment filed 10-15-96; operative 11-14-96 (Register 96, No. 42).

**§1998. Reporting Requirements Under Section 8516(h)(4).**

If an inspection report is required to be filed pursuant to code section 8516(h)(4), a notice of work completed shall be filed with the Board for any work recommended and performed pursuant to such report.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8516 and 8518, Business and Professions Code.

**HISTORY:**

1. New section filed 10-29-70; designated effective 11-30-70 (Register 70, No. 44).
2. New NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment of section heading, repealer of first paragraph and subsections (a)-(e), and amendment of subsection (f), including repealer of subsection (f) designator, filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

### **§1999.1. Suspension Period for Branch 3 Licenses.**

NOTE: Authority cited: Sections 8525 and 8620, Business and Professions Code. Reference: Sections 8632 and 8652, Business and Professions Code .

#### **HISTORY:**

1. New section filed 8-1-79; effective thirtieth day thereafter (Register 79, No. 31).
2. Repealer filed 3-6-95; operative 4-5-95 (Register 95, No. 10).